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## COUNCIL OF STATES

PARLIAMENT HOUSE

### NOTIFICATION

*New Delhi-1, the 16th May, 1952*

**No. 11-CS/52.**—The Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business in force immediately before the commencement of the Constitution of India as modified and adapted by the Chairman of the Council of States in exercise of the powers conferred by Clause (2) of Article 118 of the said Constitution for the purposes of regulating the procedure and conduct of business in the Council of States under the said Constitution, are hereby published for general information:—

## **RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE COUNCIL OF STATES**

### CHAPTER I

#### SHORT TITLE AND DEFINITIONS

1. These rules may be called "The Rules of Procedure and Conduct of Business in the Council of States".

2. In these rules, unless the context otherwise requires,—

"Chairman" or "Chairman of the Council" means the Chairman of the Council of States;

"The Constitution" means the Constitution of India;

"Council" means the Council of States;

"Finance Minister" includes any Minister;

"Gazette" means the Gazette of India;

"House" means the House of the People;

"Houses" means the Council of States and the House of the People;

"Member" means a member of the Council of States;

"Member in charge of the Bill" means in the case of a Government Bill any Minister and in any other case the member who has introduced the Bill;

"Minister" means a member of the Council of Ministers, a Minister of State, a Deputy Minister, or a Parliamentary Secretary;

"Private Member" means a member other than a Minister;

"Secretary" means the Secretary to the Council and includes any person for the time being performing the duties of the Secretary.

Words and expressions used in the Constitution and also in these rules shall, unless the context otherwise requires, have the meanings assigned to them in the Constitution.

## CHAPTER II

### SUMMONS TO MEMBERS, SEATING AND ROLL OF MEMBERS

Summons to  
Members.

3. The Secretary shall issue a summons to each member specifying the date and place for a session of the Council.

Seating of  
Members.

4. The members shall sit in such order as the Chairman may determine.

Roll of  
Members.

5. There shall be a Roll of Members of the Council which shall be signed by every member, before taking his seat, in the presence of the Secretary.

## CHAPTER III

### ELECTION OF DEPUTY CHAIRMAN AND PANEL OF VICE-CHAIRMEN

Election of  
Deputy  
Chairman by  
the Council

6. (1) The election of a Deputy Chairman shall be held on such date as the Chairman may fix and the Secretary shall send to every member notice of this date.

(2) At any time before noon on the day preceding the date so fixed, any member may give notice in writing addressed to the Secretary of a motion that another member be chosen as the Deputy Chairman of the Council, and the notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed in the notice that he is willing to serve as Deputy Chairman if elected:

Provided that a member shall not propose his own name, or second a motion proposing his own name, or propose or second more than one motion.

(3) A member in whose name a motion stands in the list of business may when called move the motion or withdraw the motion, in which case he shall confine himself to a mere statement to that effect.

(4) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided if necessary by division.

If any motion is carried, the person presiding shall, without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Deputy Chairman of the Council.

7. (1) At the commencement of the Council or from time to time as the case may be, the Chairman shall nominate from amongst the members of the Council a panel of not more than four Vice-Chairmen, any one of whom may preside over the Council in the absence of the Chairman and the Deputy Chairman when so requested by the Chairman, or in his absence, by the Deputy Chairman.

Panel of  
Vice-  
Chairmen.

(2) A Vice-Chairman nominated under sub-rule (1) shall hold office until a new panel of Vice-Chairmen is nominated.

8. The Deputy Chairman or other member competent to preside over a sitting of the Council under the Constitution or these Rules shall when so presiding over have the same power as the Chairman when so presiding and all references to the Chairman in these Rules shall in these circumstances be deemed to be reference to any such person so presiding.

Powers of  
the Deputy  
Chairman  
on other  
Member  
presiding  
over the  
sitting of  
the Council.

## CHAPTER IV

### SITTINGS OF THE COUNCIL

9. A sitting of the Council is duly constituted when it is presided over by the Chairman or other member competent to preside over a sitting of the Council under the Constitution or these Rules.

When is  
sitting of  
the Council  
duly con-  
stituted.

10. Sittings of the Council shall commence at such hour as the Chairman may direct.

Commence-  
ment of  
sitting.

11. The Council shall sit on such days as the Chairman, having regard to the state of business of the Council, may from time to time direct.

Sittings of  
the Council.

12. Sittings of the Council shall conclude at such hour as the Chairman may direct.

Conclusion  
of sitting.

## CHAPTER V

### PRESIDENT'S ADDRESS AND MESSAGES TO THE COUNCIL

13. The Chairman, in consultation with the Leader of the Council, shall allot time for the discussion of the matters referred to in the President's Address to the Houses under Article 87 (1) of the Constitution.

Allotment  
of time for  
discussion  
of Presi-  
dent's  
Special  
Address.

14. On such day or days or part of any day, the Council shall be at liberty to discuss the matters referred to in such Address on a motion of thanks moved by a member and seconded by another member.

Scope of  
discussion.

15. Amendments may be moved to such motion of thanks in such form as may be considered appropriate by the Chairman.

Amendment.

Other business that may be taken up.

16. (1) Notwithstanding that a day has been allotted for discussion on the President's Address,—

(a) a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day, and

(b) other business of a formal character may be transacted on such day before the Council commences or continues the discussion on the Address.

(2) The discussion on the Address may be postponed in favour of a Government Bill or other Government business on a motion being made that the discussion on the Address be adjourned to a subsequent day to be appointed by the Chairman. The Chairman shall forthwith put the question, no amendment or debate being allowed.

Government's right of reply.

17. The Prime Minister or any other Minister, whether he has previously taken part in the discussion or not, shall on behalf of the Government have a general right of explaining the position of the Government at the end of the discussion and the Chairman may enquire how much time will be required for the speech so that he may fix the hour by which the discussion shall conclude.

Time limit for Speeches.

18. The Chairman may, if he thinks fit, prescribe, after taking the sense of the Council, a time limit for speeches.

President's Address under Article 86(1) of the Constitution.

19. The Chairman may allot time for the discussion of the matters referred to in the President's Address under Article 86 (1) of the Constitution.

ages by President.

20. Where a message from the President for the Council under Article 86 (2) of the Constitution is received by the Chairman, he shall read the message to the Council and give necessary directions in regard to the procedure that shall be followed for the consideration of matters referred to in the message. In giving these directions, the Chairman shall be empowered to suspend or vary the rules to such extent as it may be necessary to do so.

Prorogation of the Council.

21. When the President prorogues the Council or Houses, he may address the Council or Houses as the case may be.

## CHAPTER VI

### ARRANGEMENT OF BUSINESS

Arrangement of Government Business.

22. On days allotted for the transaction of Government business that business shall have precedence and the Secretary shall arrange that business in such order as the Chairman after consultation with the Leader of the Council may determine:

Provided that such order of business shall not be varied on the day that business is set down for disposal unless the Chairman is satisfied that there is sufficient ground for such variation.

23. The Chairman, after considering the state of business of the Council, may allot so many days as may be possible for private members' business, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business of that class shall have precedence.

Allotment  
of time for  
Private  
Members'  
Business.

24. (1) The relative precedence of notices of Bills given by private members shall be determined by ballot, to be held in accordance with the orders made by the Chairman, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Chairman may direct.

Precedence  
of Private  
Members'  
Bills.

(2) The relative precedence of Private Members' Bills on a day allotted for the disposal of such Bills shall be in the following order, viz.,

- (a) Bills returned by the President with a message under Article 111 of the Constitution;
- (b) Bills which have been passed by the Council and returned by the House with amendments;
- (c) Bills which have been passed by the House and transmitted to the Council;
- (d) Bills in respect of which a motion has been carried that the Bill be taken into consideration;
- (e) Bills in respect of which the Report of a Joint or Select Committee has been presented;
- (f) Bills which have been circulated for the purpose of eliciting opinions;
- (g) Bills introduced and in respect of which no further motion has been made or carried;
- (h) Bills in respect of which the motion is that leave be granted to introduce the Bill;
- (i) Other Bills.

(3) The relative precedence of Bills falling under the same clause of sub-rule (2) shall be determined by ballot to be held at such time and in such manner as the Chairman may direct:

Provided that Bills falling under clause (g) of sub-rule (2) shall be arranged in groups in the order of their date of introduction and relative precedence within each group shall be determined by ballot.

(4) The Chairman may by special order to be announced in the Council make such variations in the relative precedence of Bills set out in sub-rule (2) as he may consider necessary or convenient.

**Precedence  
of Private  
Members'  
Resolutions.**

25. The relative precedence of notices of resolutions given by private members shall be determined by ballot, to be held in accordance with the orders made by the Chairman, on such day, not being less than fifteen days before the day with reference to which the ballot is held, as the Chairman may direct.

**Business  
outstanding  
at the end  
of day.**

26. Private members' business set down for the day allotted for that class of business and not disposed of on that day shall not be set down for any subsequent day, unless it has gained priority at the ballot held with reference to that day:

Provided that notwithstanding anything contained in rules 24 and 25 any such business which is under discussion at the end of that day shall be set down for the next day allotted to business of that class, and shall have precedence over all other business set down for that day.

**Resumption  
of adjourned  
debate on  
Private  
Member's  
Bill or  
Resolution.**

27. (1) When on a motion being carried the debate on a private member's Bill or Resolution is adjourned to the next day allotted for private members' business in the same or next session, it will not be set down for further discussion unless it has gained priority at the ballot.

(2) When the debate on a private member's Bill or Resolution is adjourned *sine die*, the member-in-charge of the Bill or the mover of the Resolution, as the case may be, may, if he wishes to proceed with such Bill or Resolution on a subsequent day allotted for private members' business, give notice for resumption of the adjourned debate and on receipt of such notice the relative precedence of such Bill or Resolution shall be determined by ballot.

**List of  
Business.**

28. (1) A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member.

(2) Save as otherwise provided in these rules, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the Chairman.

(3) Save as otherwise provided by these rules, no business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires.

(4) Unless the Chairman otherwise directs, not more than five resolutions (in addition to any resolution which is outstanding under the proviso to rule 26) shall be set down in the list of business for any day allotted for the disposal of private members' resolutions.

## CHAPTER VII

## QUESTIONS

29. The Chairman shall determine the day or days not exceeding two days in a week on which questions shall be set down for answer and the time that will be available for the asking and answering of questions at a meeting of the Council. Time for questions.

30. Unless the Chairman otherwise directs, not less than ten clear days' notice of a question shall be given. Notice of questions.

31. Notice of a question shall be given in writing to the Secretary and shall specify— Form of notice of questions.

(a) the official designation of the Minister to whom it is addressed; and

(b) the date on which the question is proposed to be placed on the list of questions for answer.

32. Unless the Chairman otherwise directs, no question shall be placed on the list of questions for answer until five days have expired from the time when notice of such question has been given by the Secretary to the Minister to whom it is addressed. Notice of admission of questions to Ministers.

33. A member who desires an oral answer to his question shall distinguish it by an asterisk and if he does not distinguish it by an asterisk the question shall be printed in the list of questions for written answer. Questions for oral answers to be distinguished by asterisks.

34. (1) Not more than one question distinguished by an asterisk by the same member shall be placed on the list of questions for oral answer on any one day and not more than 3 questions in all shall be placed in the list of questions for oral answer on any one day: Member entitled to oral answer to one question on a day.

Provided that the priority of the three questions to be placed in the list of questions for oral answer on any one day shall be determined in order of the time of receipt of notice.

(2) Questions in excess of 3 for oral answer on any one day shall be placed in the list of questions for written answer.

35. If any question placed on the list of questions for oral answer on any day is not called for answer within the time available for answering questions on that day, the Minister to whom the question is addressed shall forthwith lay upon the Table of the Council a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof. Written answers to questions not replied orally.

**Questions  
to Private  
Members.**

36. A question may be addressed by a member to a private member provided the subject matter of the question relates to some Bill, Resolution or other matter connected with the business of the Council for which that member is responsible and the procedure in regard to such questions shall, as far as may be, be the same as that followed in the case of questions addressed to a Minister with such variations as the Chairman may consider necessary or convenient.

**Conditions  
of admissi-  
bility of  
questions.**

37. (1) Subject to the provisions of sub-rule (2) of this rule, a question may be asked for the purpose of obtaining information on a matter of public importance within the special cognizance of the Minister to whom it is addressed.

(2) The right to ask a question is governed by the following conditions:—

- (i) It shall not bring in any name or statement not strictly necessary to make the question intelligible;
- (ii) if it contains a statement the member shall make himself responsible for the accuracy of the statement;
- (iii) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;
- (iv) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (v) it shall not ask as to the character or conduct of any person except in his official or public capacity;
- (vi) it shall not ordinarily exceed 150 words;
- (vii) it shall not relate to a matter which is not primarily the concern of the Government of India;
- (viii) it shall not ask about proceedings in a committee which have not been placed before the Council by a report from the Committee;
- (ix) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- (x) it shall not make or imply a charge of a personal character;
- (xi) it shall not raise questions of policy too large to be dealt within the limits of an answer to a question;
- (xii) it shall not repeat in substance questions already answered or to which an answer has been refused;
- (xiii) it shall not ask for information on trivial matters;



- (xiv) it shall not ordinarily seek information on matters of past history;
- (xv) it shall not require information set forth in accessible documents or in ordinary works of reference;
- (xvi) it shall not raise matters under the control of bodies or persons not primarily responsible to the Government of India;
- (xvii) it shall not ask for information on a matter on which a question has been tabled in the House;
- (xviii) it shall not ask for information on a matter which is under adjudication by a Court of Law having jurisdiction in any part of India;
- (xix) it shall not relate to a matter with which a Minister is not officially connected;
- (xx) it shall not refer discourteously to a friendly foreign country; and
- (xxi) it shall not seek information about matters which are in their nature secret.

38. In matters which are or have been the subject of correspondence between the Government of India and the Government of a State, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of fact.

Questions on matters of correspondence between the Govt. of India and the Govt. of a State.

39. The Chairman shall decide whether a question or a part thereof is or is not admissible under these rules and may disallow any question or a part thereof when in his opinion it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Council or is in contravention of these rules.

Chairman to decide admissibility of questions.

40. If in the opinion of the Chairman any question put down for oral answer is of such a nature that a written reply would be more appropriate, the Chairman may direct that such question be placed in the list of questions for written answer:

Chairman to decide if a question is to be treated as starred or unstarred.

Provided that the Chairman may, if he thinks fit, call upon the member who has given notice of a question for oral answer to state in brief his reasons for desiring an oral answer and, after considering the same, may direct that the question be included in the list of questions for written answer.

41. Questions, which have not been disallowed, shall be entered in the list of questions for the day for oral or written answer as the case may be, in accordance with the orders of the Chairman.

List of questions.

42. Questions for oral answers shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting.

Order in which questions shall be called.

Withdrawal  
or postpone-  
ment of  
questions.

43. A member may, by notice given at any time before the meeting for which his question has been placed on the list, withdraw his question, or postpone it to a later day to be specified in the notice, and on such later day the question shall be placed on the list after all questions which have not been so postponed:

Provided that a postponed question shall not be placed on the list until two clear days have expired from the time when the notice of postponement has been received by the Secretary.

Mode of  
asking  
questions.

44. (1) When the time for asking questions arrives, the Chairman shall call successively each member in whose name a question appears in the list of questions.

(2) The member so called shall rise in his place and unless he states that it is not his intention to ask the question standing in his name, he shall ask the question by reference to its number in the list of questions.

(3) If on a question being called it is not put or the member in whose name it stands is absent, the Chairman, at the request of any member, may direct that the answer to it be given.

Questions  
of absent  
members.

45. When all the questions for which an oral answer is desired have been called, the Chairman may, if time permits, call again any question which has not been asked by reason of the absence of the member in whose name it stands, and may also permit a member to ask a question standing in the name of another member, if so authorised by him.

Supplemen-  
tary  
questions.

46. (1) No discussion shall be permitted during the time for questions under rule 29 in respect of any question or of any answer given to a question.

(2) Any member when called by the Chairman may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Chairman shall disallow any supplementary question, if, in his opinion, it infringes the rules regarding questions.

Short notice  
questions.

47. (1) A question relating to a matter of public importance may be asked with shorter notice than ten clear days and if the Chairman is of opinion that the question is of an urgent character he may direct that an enquiry may be made from the Minister concerned if he is in a position to reply and, if so, on what date.

(2) If the Minister concerned agrees to reply, such question shall be answered on a day to be indicated by him and at the time to be determined by the Chairman.

(3) Where a member desires an oral answer to a question at shorter notice, he shall briefly state the reasons for asking the question with short notice. Where no reasons have been assigned in the notice of the question, the question shall be returned to the member.

(4) The member who has given notice of the question shall be in his seat to read the question when called by the Chairman and the Minister concerned shall give a reply immediately.

(5) In other respects, the procedure for short notice questions shall be the same as for ordinary questions for oral answer, with such modifications as the Chairman may consider necessary or convenient.

49. Answers to questions which Ministers propose to give in the Council shall not be released for publication until the answers have actually been given on the floor of the Council or laid on the Table. No publicity of answers to questions in advance.

## CHAPTER VIII

### LEGISLATION

#### I. BILLS ORIGINATING IN THE COUNCIL

##### (a) *Introduction and publication of Bills.*

49. The Chairman on a request being made to him may order the publication of any Bill (together with the Statement of Objects and Reasons and the financial memorandum accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again. Publication before introduction.

50. (1) Any member, other than a Minister, desiring to move for leave to introduce a Bill, shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and an explanatory Statement of Objects and Reasons which shall not contain argument: Notice of motion for leave to introduce Private Members' Bills.

Provided that the Chairman may, if he thinks fit, revise the statement of Objects and Reasons.

(2) If the Bill is a Bill which under the Constitution cannot be introduced without the previous sanction or recommendation of the President, the member shall annex to the notice such sanction or recommendation, conveyed through a Minister and the notice shall not be valid until this requirement is complied with.

(3) The period of notice of a motion for leave to introduce a Bill under this Rule shall be one month unless the Chairman allows the motion to be made at shorter notice.

Communi-  
cation of  
sanction or  
recommend-  
ation of  
President in  
respect of  
Bills.

51. The orders of the President granting or withholding the sanction or recommendation to the introduction or consideration of a Bill shall be communicated to the Secretary by the Minister concerned in writing.

Financial  
Memoran-  
dum to Bills  
and Money  
clauses in  
Bills.

52. (1) A Bill involving expenditure shall be accompanied by a financial memorandum which shall invite particular attention to the clauses involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into law.

(2) Clauses or provisions in Bills involving expenditure from public funds shall be printed in thick type or in italics:

Provided that where a clause in a Bill involving expenditure is not printed in thick type or in italics, the Chairman may permit the member in charge of the Bill to bring to the notice of the Council such clauses.

Explanatory  
Memoran-  
dum to  
Bills dele-  
gating legis-  
lative power.

53. A Bill involving proposals for the delegation of legislative power shall be accompanied by a memorandum explaining such proposals and drawing attention to their scope and stating also whether they are of normal or exceptional character.

Motion for  
leave to  
introduce  
Bill.

54. If a motion for leave to introduce a Bill is opposed, the Chairman, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question:

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the Council, the Chairman may permit a full discussion thereon.

Publication  
after intro-  
duction.

55. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

(b) *Motions after Introduction of Bills.*

Motion after  
introduction  
of Bills.

56. When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

- (i) that it be taken into consideration; or
- (ii) that it be referred to a Select Committee of the Council; or
- (iii) that it be referred to a Joint Committee of the Houses with the concurrence of the House; or
- (iv) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for two days before the day on which the motion is made, and such objection shall prevail, unless the Chairman allows the motion to be made.

57. (1) On the day on which any motion referred to in rule 56 is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its provisions may be discussed, generally, but the details of the Bill shall not be discussed further than is necessary to explain its principles.

*Discussion of principle of Bill.*

(2) At this stage no amendments to the Bill may be moved, but—

(a) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence of the House, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion, or

(b) if the member in charge moves that the Bill be referred to a Select Committee of the Council or a Joint Committee of the Houses with the concurrence of the House, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee of the Council or a Joint Select Committee of the Houses unless the Chairman allows a motion to be made that the Bill be taken into consideration.

58. No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee of the Council or a Joint Select Committee of the Houses or be circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge.

*Persons by whom motions in respect of Bills may be made.*

#### (c) *Select Committees on Bills.*

59. (1) The members of a Select Committee on a Bill shall be appointed by the Council when a motion that the Bill be referred to a Select Committee is made.

*Composition of Select Committee.*

(2) No member shall be appointed to a Select Committee if he is not willing to serve on the Committee. The mover shall ascertain whether a member proposed to be named by him is willing to serve on the Committee.

Chairman  
of Select  
Committee.

60. (1) The Chairman of the Committee shall be appointed by the Chairman of the Council from amongst the members of the Committee:

Provided that where the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman of the Council may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

Quorum of  
Select  
Committee.

61. (1) In order to constitute a meeting of the Committee, the quorum shall be one-third of the total number of members of the Committee.

(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, there is no quorum the Chairman of the Committee shall either suspend the meeting until there is a quorum or adjourn the meeting to some future day.

(3) Where the Select Committee has been adjourned in pursuance of sub-rule (2) on two successive dates fixed for meeting of the Committee, the Chairman of the Committee shall report the fact to the Council.

Discharge of  
members  
absent from  
meetings of  
the Select  
Committee.

62. If a member is absent from two or more consecutive meetings of the Select Committee, without the permission of the Chairman of the Committee, a motion may be moved in the Council for the discharge of such member from the Committee.

Members  
other than  
members of  
the Com-  
mittee may  
be present  
at a meeting.

63. Members who are not members of a Select Committee may be present during the deliberations of the Committee but shall not address the Committee nor sit in the body of the Committee:

Provided that a Minister may with the permission of the Chairman of the Committee address the Committee of which he may not be a member.

Casting vote  
of Chairman  
of Select  
Committee.

64. In the case of equality of votes on any matter the Chairman of the Committee or other person presiding shall have a second or casting vote.

Power to  
appoint sub-  
committees.

65. A Select Committee may appoint a sub-committee to examine any special points connected with the Bill. The order of reference to such sub-committee shall clearly state the point or points for investigation. The report of

the sub-committee shall be considered by the whole committee.

66. The meetings of a Select Committee shall be held on such days and at such hour as the Chairman of the Committee may fix: Meetings of Select Committee.

Provided that if the Chairman of the Committee is not readily available, the Secretary may, in consultation with the Minister whose Ministry is concerned with the Bill, fix the date and time of a meeting.

67. A Select Committee may sit whilst the Council is sitting provided that on a division being called in the Council the Chairman of the Committee shall suspend the proceedings in the Committee for such time as will in his opinion enable members to vote in the division. Sittings of Select Committee.

68. (1) If notice of a proposed amendment has not been given before the day on which the Bill is taken up by the Select Committee, any member may object to the moving of the amendment and such objection shall prevail unless the Chairman of the Committee allows the amendment to be moved. Notice of amendments and procedure generally in Select Committee.

(2) In other respects, the procedure in a Select Committee shall, as far as practicable be the same as is followed in the Council during the consideration stage of a Bill, with such adaptations, whether by way of modification, addition or omission, as the Chairman may consider necessary or convenient.

69. When a Bill has been referred to a Select Committee, any notice given by a member of any amendment to a clause in the Bill shall stand referred to the Committee provided that where notice of amendment is received from a member who is not a member of the Select Committee such amendment shall not be taken up by the Committee unless moved by a member of the Committee. Notice of amendments by members other than members of Select Committee.

70. (1) A Select Committee shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties: Power to take evidence or call for papers, records or documents.

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman of the Council whose decision shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the Secretary and shall produce such documents as are required for the use of the Committee.

(3) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

(4) No document submitted to the Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

Procedure  
for examin-  
ing witnesses.

71. The examination of witnesses before a Select Committee shall be conducted as follows:—

- (1) The Select Committee shall before a witness is called for examination decide the mode of procedure and the nature of questions that may be put to the witness.
- (2) The Chairman of the Select Committee may first put to the witness such question or questions as he may consider necessary with reference to the subject-matter of the Bill or any connected subject thereto according to the mode of procedure mentioned in sub-rule (1) of this rule.
- (3) The Chairman of the Committee may call other members of the Select Committee one by one to put any other questions.
- (4) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.
- (5) A verbatim record of proceedings of the Select Committee when a witness is summoned to give evidence shall be kept.

Printing  
and publi-  
cation of  
evidence  
tendered  
before a  
Select  
Committee.

72. (1) The evidence tendered before the Select Committee under rule 71 may be made available to all members of the Select Committee.

(2) The Committee may direct that the whole or a part of the evidence or a summary thereof may be laid on the table of the Council.

(3) The evidence given before a Select Committee shall not be published by any member of the Select Committee or by any other person until it has been laid on the table of the Council:

Provided that the Chairman of the Council may, in his discretion, direct that such evidence be confidentially made available to members before it is formally laid on the table of the Council.



73. (1) The Chairman of the Council may from time to time issue such directions to the Chairman of the Committee as he may consider necessary for regulating its procedure and the organization of its work.

Power of Chairman to give direction on a point of procedure or otherwise.

(2) If any doubt arises on any point of procedure or otherwise, the Chairman of the Committee may if he thinks fit, refer the point to the Chairman of the Council whose decision shall be final.

74. A Select Committee shall have power to pass resolutions on matters of procedure relating to Select Committees for the consideration of the Chairman of the Council, who may make such variations in procedure as he may consider necessary.

Power of Select Committee to make suggestions on procedure.

75. A record of the decisions of a Select Committee shall be maintained and circulated to members of the Committee under the direction of the Chairman of the Committee.

Record of the decisions of a Select Committee.

76. (1) As soon as may be after a Bill has been referred to a Select Committee, the Select Committee shall meet from time to time in accordance with rule 66 to consider the Bill and shall make a report thereon within the time fixed by the Council:

Reports by Select Committee.

Provided that where the Council has not fixed any time for the presentation of the report, the report shall be presented before the expiry of three months from the date on which the Council adopted the motion for the reference of the Bill to the Select Committee:

Provided further that the Council may at any time, on a motion being made, direct that the time for the presentation of the Report by the Select Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The Select Committee shall in their report state whether the publication of the Bill directed by these rules has taken place, and the date on which the publication has taken place.

(4) Where a Bill has been altered the Select Committee may, if they think fit, include in their report a recommendation to the member in charge of the Bill that his next motion should be a motion for circulation, or, where the Bill has already been circulated, for re-circulation.

(5) Any member of a Select Committee may record a minute of dissent on any matter or matters connected with the Bill or dealt with in the report.

77. (1) The Report of the Select Committee on a Bill together with the minutes of dissent, if any, shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.

Presentation of Report.

(2) In presenting a report the Chairman of the Committee or, in his absence, the member presenting the report shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.

Printing  
and publi-  
cation of  
reports.

78. The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every member of the Council. The report, and the Bill as reported by the Select Committee, shall be published in the Gazette.

(d) *Procedure After Presentation of Report of a Select Committee*

Motions  
that may  
be moved  
after pre-  
sentation  
of the re-  
port  
of a Select  
Committee.

79. (1) After the presentation of the final report of a Select Committee on a Bill, the member in charge may move—

(a) that the Bill as reported by the Select Committee be taken into consideration:

Provided that any member of the Council may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for two days, and such objection shall prevail, unless the Chairman allows the report to be taken into consideration; or

(b) that the Bill as reported by the Select Committee be re-committed either—

(i) without limitation, or

(ii) with respect to particular clauses or amendments only, or

(iii) with instructions to the Select Committee to make some particular or an additional provision in the Bill; or

(c) that the Bill as reported by the Select Committee be circulated or re-circulated, as the case may be, for the purpose of obtaining opinion or further opinion thereon.

(2) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted or be circulated or re-circulated for the purpose of obtaining opinion or further opinion thereon.

Scope of  
debate on  
report of  
Select  
Committee.

80. The debate on a motion that Bill as reported by the Select Committee be taken into consideration shall be confined to consideration of the report of the Select Committee and the matters referred to in that report or any alternative suggestions consistent with the principle of the Bill.

*(e) Amendments to Clauses, etc. and Consideration of Bills*

81. (1) If notice of an amendment has not been given <sup>Notice of</sup> one day before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the Chairman allows the amendment to be moved: <sup>amendments</sup>

Provided that, in the case of a Government Bill, an amendment, of which notice has been received from the member-in-charge, shall not lapse by reason of the fact that the member-in-charge has ceased to be a Minister or a member and such amendment shall be printed in the name of the new member-in-charge of the Bill.

(2) The Secretary shall, if time permits, make available to members from time to time lists of amendments of which notices have been received.

82. The following conditions shall govern the <sup>Conditions</sup> admissibility of amendments:— <sup>of admissibility of amendments</sup>

- (i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.
- (ii) An amendment shall not be inconsistent with any previous decision of the Council on the same question.
- (iii) An amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.
- (iv) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole:

Provided that in order to save time and repetition of arguments, a single discussion may be allowed to cover a series of interdependent amendments.

- (v) The Chairman shall determine the place in which an amendment shall be moved.
- (vi) The Chairman may refuse to propose an amendment which is, in his opinion, frivolous or meaningless.
- (vii) An amendment may be moved to an amendment which has already been proposed by the Chairman.

83. If any member desires to move an amendment which <sup>Sanction or</sup> under the Constitution cannot be moved without the previous sanction or recommendation of the President, he shall <sup>recommend-</sup> annex to the notice required by these rules such sanction <sup>ation of the</sup> or recommendation conveyed through a Minister and the <sup>President</sup> notice shall not be valid until this requirement is complied <sup>to be</sup> with. <sup>annexed to</sup> <sup>notice of</sup> <sup>amendment.</sup>

- Communication of sanction or recommendation of President in respect of amendments to Bills.** 84. The orders of the President granting or withholding the sanction or recommendation to an amendment to a Bill shall be communicated to the Secretary by the Minister concerned in writing.
- Power of Chairman to select new clauses or amendments.** 85. The Chairman shall have power to select the new clauses or amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.
- Arrangement of amendments.** 86. Amendments of which notice has been given, shall, as far as practicable, be arranged in the list of amendments, issued from time to time, in the order in which they may be called. In arranging amendments raising the same question at the same point of a clause, precedence may be given to an amendment moved by the member in charge of the Bill. Subject as aforesaid, amendments may be arranged in the order in which notice of them is received.
- Order of amendments.** 87. Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion shall be deemed to have been made: "That this clause stands part of the Bill".
- Mode of moving amendments.** 88. When a motion that a Bill be taken into consideration has been carried, any member when called upon by the Chairman may move an amendment to the Bill of which he has previously given notice.
- Withdrawal of amendments.** 89. An amendment moved may, by leave of the Council, but not otherwise, be withdrawn, on the request of the member moving it. If an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.
- Submission of a Bill clause by clause.** 90. Notwithstanding anything in these rules, the Chairman may, when a motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the Council clause by clause. The Chairman may call each clause separately, and, when the amendments relating to it have been dealt with shall put the question: "That this clause (or, as the case may be, that this clause as amended) stand part of the Bill."
- Postponement of clause.** 91. The Chairman may, if he thinks fit, postpone the consideration of a clause.
- Schedule.** 92. The consideration of the schedule or schedules, if any, shall follow the consideration of clauses. Schedules shall be put from the Chair, and may be amended, in the same manner as clauses, and the consideration of new schedules shall follow the consideration of the original

schedules. The question shall then be put: "That this schedule (or, as the case may be that this schedule as amended) stand part of the Bill."

93. Clause one, the preamble if any, and the title of a Bill shall stand postponed until the other clauses and schedules (including new clauses and new schedules) have been disposed of and the Chairman shall then put the question: "That clause one, or the preamble or the title (or as the case may be, that clause one, preamble or title as amended) do stand part of the Bill."

94. Where a Bill is passed by the Council, the Chairman shall have power to correct patent errors and make such other changes in the Bill as are consequential on the amendments accepted by the Council.

Clause one,  
preamble  
and title  
of the Bill.

Power of  
the Chair-  
man to  
correct  
patent errors  
and make  
consequential  
changes in  
a Bill as  
passed.

#### (f) *Passing of Bills*

95. (1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed.

(2) If any amendment of the Bill is made, any member may object to any motion being made on the same day that the Bill be passed, and such objection shall prevail unless the Chairman allows the motion to be made.

(3) Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day.

(4) To such a motion no amendment may be moved which is not either formal, verbal or consequential upon an amendment made after the Bill was taken into consideration.

96. The discussion on a motion that the Bill be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. In making his speech a member shall not refer to the details of the Bill further than is necessary for the purpose of his arguments which shall be of a general character.

97. When a Bill is passed by the Council, it shall be transmitted to the House for concurrence with a message to that effect.

#### (g) *Bills other than Money Bills returned by House with amendment*

98. If a Bill other than a Money Bill passed by the Council and transmitted to the House is returned to the Council with amendment, it shall on receipt be laid on the Table.

Passing of  
a Bill.

Scope of  
Debate.

Bills passed  
by Council.

Bills return-  
ed by the  
House with  
amendment.

**Notice of motion for consideration of amendment.**

99. After the amended Bill has been laid on the Table, any Minister in the case of a Government Bill, or in any other case any Member, after giving two days' notice, or with the consent of the Chairman without notice, may move that the amendment be taken into consideration.

**Procedure on consideration of amendment.**

100. (1) If a motion that the amendment be taken into consideration is carried, the Chairman shall put the amendment to the Council in such manner as he thinks most convenient for its consideration.

(2) An amendment relevant to the subject matter of the amendment made by the House may be moved, but no further amendment shall be moved to the Bill unless it is consequential upon, or an alternative to, an amendment made by the House.

**Disposal of amendment.**

101. The Council if it agrees to the amendment made by the House shall send a message to the House to that effect, but if it disagrees with that amendment or proposes further amendment or an alternative amendment, the Council shall return the Bill as amended to the House with a message to that effect.

**Disagreement between the Houses.**

102. If the Bill is returned to the Council with a message that the House insists on an amendment or amendments to which the Council has disagreed, the Houses shall be deemed to have finally disagreed as to the amendment or amendments.

#### (h) *Petitions on Bills*

**Petitions relating to a Bill.**

103. Petitions relating to a Bill which has been published under rule 49 or which has been introduced or in respect of which notice of a motion has been received under these rules, may be presented or submitted in accordance with these rules.

**General form of a petition.**

104. (1) The general form of petition set out in the Schedule, with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

(2) Every petition shall be couched in respectful and temperate language.

**Authentication of signatories to a petition.**

105. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate by his signature and if illiterate by his thumb impression.

**Counter-signature.**

106. Every petition shall, if presented by a member, be countersigned by him.

**Petition to whom to be addressed and how to be concluded.**

107. Every petition shall be addressed to the Council and shall conclude with a prayer reciting the definite object of the petitioners in regard to the Bill to which it relates.

108. Any petition may be presented by a member, or be forwarded to the Secretary, in which latter case the fact shall be reported by him to the Council, and no debate shall be permitted on the making of such report.

Presentation of a petition.

109. A member presenting a petition shall confine himself to a statement in the following form:—

Form of presentation.

"I present a petition signed by.....petitioners regarding.....Bill", and no debate shall be permitted on this statement.

110. (1) At the commencement of the Council, or from time to time as the case may be, the Chairman shall nominate a Committee on Petitions consisting of not more than five members.

Constitution of Committee on Petitions.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

111. (1) The Chairman of the Committee shall be appointed by the Chairman of the Council from amongst the members of the Committee:

Chairman of Committee on Petitions.

Provided that if the Deputy Chairman is a member of the Committee, he shall be appointed Chairman of the Committee.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman of the Council may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

112. Every petition after presentation by a member or report by the Secretary, as the case may be, shall be referred to the Committee.

Reference to Committee.

113. (1) The Committee shall examine every petition referred to it, and if the petition complies with these rules, the Committee may in its discretion direct that it be circulated as a paper to the Bill to which it relates. Where circulation of the petition has not been directed, the Chairman may at any time, direct that the petition be circulated.

Examination and circulation of petitions.

(2) Circulation of the petition shall be in extenso or of a summary thereof as the Committee, or the Chairman, as the case may be, may direct.

114. The Committee shall report to the Council stating the subject matter of the petition, the number of persons by whom it is signed and whether it is in conformity with these rules, and also whether circulation has or has not been directed.

Presentation of Report of Committee on Petitions.

(i) *Adjournment of Debate on, and withdrawal and removal of Bills*

Adjournment of the debate on a Bill.

115. At any stage of a Bill which is under discussion in the Council a motion that the debate on the Bill be adjourned may be moved with the consent of the Chairman.

Withdrawal of a Bill.

116. The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill, and if such leave is granted, no further motion shall be made with reference to the Bill:

Provided that where a Bill has been referred to a Select Committee notice of any motion for the withdrawal of the Bill shall automatically stand referred to the Committee and after the Committee has expressed its opinion in a Report to the Council the motion shall be set down in the List of Business.

Explanatory statement by member who moves or opposes withdrawal motion.

117. If a motion for leave to withdraw a Bill is opposed, the Chairman may, if he thinks fit, permit the member who moves and the member who opposes the motion to make brief explanatory statements and may thereafter, without further debate, put the question.

Removal of a Bill from the Register of Bills.

118. Where any of the following motions under these rules in regard to a Bill originating in the Council is rejected by the Council, no further motion shall be made with reference to the Bill and such Bill shall be removed from the Register of Bills pending in the Council:—

- (i) that leave be granted to introduce the Bill;
- (ii) that the Bill be referred to a Select Committee;
- (iii) that the Bill be taken into consideration;
- (iv) that the Bill as reported by Select Committee be taken into consideration; and
- (v) that the Bill (or as the case may be, that the Bill, as amended) be passed.

II. BILLS ORIGINATING IN THE HOUSE AND TRANSMITTED TO THE COUNCIL

Bills originating in and passed by the House and transmitted to the Council.

119. When a Bill originating in the House has been passed by the House and is transmitted to the Council, the Bill shall, as soon as may be, be laid on the Table.

Notice.

120. At any time after the Bill has been so laid on the table, any Minister in the case of a Government Bill, or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.



121. On the day on which the motion for consideration is set down in the list of business which shall, unless the Chairman otherwise directs, be not less than two days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration. **Motion for consideration.**

122. On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle. **Discussion.**

123. Any member may (if the Bill has not already been referred to a Select Committee of the House or to a Joint Committee of both the Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee and, if such motion is carried, the Bill shall be referred to a Select Committee, and the Rules regarding Select Committees on Bills originating in the Council shall then apply. **Reference to Select Committee.**

124. If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration clause by clause and the provisions of the Rules of the Council regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply. **Consideration and passing.**

125. If the Bill is passed without amendment, a message shall be sent to the House intimating that the Council have agreed to the Bill without any amendment. **Bill passed without amendment.**

126. If the Bill is passed with amendments, the Bill shall be returned with a message asking the concurrence of the House to the amendments. **Bill passed with amendments.**

127. If the House disagrees with the amendments made by the Council or any of them or agrees to any of the amendments made by the Council with further amendments or proposes further amendments in place of amendments made by the Council, the Bill as further amended shall on receipt by the Council be laid on the Table. **Procedure consequent on consideration of amendments.**

128. After the amended Bill has been laid on the table, any Minister in the case of a Government Bill or, in any other case, any member after giving two days' notice, or with the consent of the Chairman without notice, may move that the amendments be taken into consideration. **Appointment of time for consideration of amendments.**

129. (1) If a motion that the amendments be taken into consideration is carried, the Chairman shall put the amendments to the Council in such manner as he thinks most convenient for their consideration. **Procedure on consideration of amendments.**

(2) Further amendments relevant to the subject matter of the amendments made by the House may be moved, but no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the House.

**Disposal of amendments.** 130. The Council may either agree to the Bill as originally passed in the House or as further amended by the House, as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the House has disagreed.

**Disagreement between Houses.** 131. If a Bill is returned with a message intimating that the Council insists on amendments to which the House is unable to agree, the Houses shall be deemed to have finally disagreed as to the amendments.

**Rejection of a Bill.** 132. When any of the following motions moved in the Council with reference to a Bill originating in the House and transmitted to the Council is negatived by the Council, the Bill shall be deemed to have been rejected by the Council:

- (i) that the Bill be referred to a Select Committee;
- (ii) that the Bill be taken into consideration;
- (iii) that the Bill as reported by Select Committee be taken into consideration; and
- (iv) that the Bill (or as the case may be, that the Bill, as amended) be passed.

### III. AUTHENTICATION AND RECONSIDERATION OF BILLS

**Authentication of a Bill.** 133. When a Bill is passed by the Houses and is in possession of the Council, a copy thereof shall be signed by the Chairman, and presented to the President:

Provided that in the absence of the Chairman from New Delhi the Secretary may authenticate the Bill for the Chairman in case of urgency.

**Reconsideration by the Council of a Bill passed.** 134. When a Bill which has been passed by the Houses is returned by the President for reconsideration, the point or points referred for reconsideration shall be put before the Council by the Chairman, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Chairman may consider most convenient for their consideration by the Council.

## CHAPTER IX

### RESOLUTIONS

**Notice of Resolution.** 135. A member other than a Minister who wishes to move a resolution shall give fifteen clear days' notice of his intention and shall, together with the notice, submit the text of the resolution which he wishes to move:

Provided that the Chairman may allow it to be entered in the list of business with shorter notice than fifteen days.

**Form of Resolution.** 136. A resolution may be in the form of a declaration of opinion by the Council.

137. Subject to the provisions of these rules, any member may move a resolution relating to a matter of general public interest. Subject matter of Resolution.

138. In order that a resolution may be admissible, it shall satisfy the following conditions, namely:— Conditions of admissibility of Resolution.

- (i) it shall be clearly and precisely expressed;
- (ii) it shall raise substantially one definite issue;
- (iii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iv) it shall not refer to the conduct or character of persons except in their official or public capacity; and
- (v) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

139. The Chairman shall decide on the admissibility of a resolution, and may disallow a resolution or a part thereof when in his opinion it does not comply with these rules. Chairman to decide admissibility of Resolution.

140. (1) A member in whose name a resolution stands on the list of business shall, except when he wishes to withdraw it, when called on, move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing in the list of business. Moving of Resolution.

(2) A member may, with the permission of the Chairman, authorise any other member in whose name the same resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move accordingly.

(3) If a member other than a Minister, when called on is absent, any other member authorised by him in writing in this behalf may, with the permission of the Chairman, move the resolution standing in his name.

141. (1) After a resolution has been moved, any member may, subject to the rules relating to resolutions, move an amendment to the resolution. Amendment.

(2) If notice of such amendment has not been given one day before the day on which the resolution is moved, any member may object to the moving of the amendment, and such objection shall prevail, unless the Chairman, allows the amendment to be moved.

(3) The Secretary shall, if time permits, make available to members from time to time lists of amendments of which notices have been given.

142. No speech on a resolution, except with the permission of the Chairman, shall exceed fifteen minutes in duration. Time limit of speeches.

Provided that the mover of a resolution, when moving the same and the Minister concerned when speaking for

the first time, may speak for thirty minutes or for such longer time as the Chairman may permit.

**Scope of discussion.** 143. The discussion of a resolution shall be strictly relevant to and within the scope of the resolution.

**Withdrawal of Resolution and amendment.** 144. (1) A member in whose name a resolution stands on the list of business may, when called on, withdraw the resolution in which case he shall confine himself to a mere statement to that effect.

(2) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the Council.

(3) If a resolution which has been admitted is not discussed during the session it shall be deemed to have been withdrawn.

**Splitting of Resolution.** 145. When any resolution involving several points has been discussed, the Chairman may divide the resolution, and put each or any point separately to the vote, as he may think fit.

**Repetition of Resolution.** 146. (1) When a resolution has been moved no resolution or amendment raising substantially the same question shall be moved within one year from the date of the moving of the earlier resolution.

(2) When a resolution has been withdrawn with the leave of the Council, no resolution raising substantially the same question shall be moved during the same session.

**Copy of Resolution passed to be sent to Minister.** 147. A copy of every resolution which has been passed by the Council shall be forwarded to the Minister concerned.

## CHAPTER X

### MOTIONS ON MATTERS OF PUBLIC INTEREST AND "MOTION FOR PAPERS".

**Discussion on a matter of public interest by motion.** 148. Save in so far as is otherwise provided by the Constitution or by these rules, no discussion of a matter of general public interest shall take place except on a motion made with the consent of the Chairman.

**Notice of a motion.** 149. Notice of the motion shall be given in writing addressed to the Secretary.

**Conditions of admissibility of a motion.** 150. In order that a motion may be admissible it shall satisfy the following conditions, namely that:—

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity;

- (iv) it shall be restricted to a matter of recent occurrence;
- (v) it shall not raise a question of privilege;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (vii) it shall not anticipate discussion of a matter which is likely to be discussed in the same session;
- (viii) it shall not relate to any matter which is under adjudication by a Court of Law having jurisdiction in any part of India.

151. The Chairman shall decide on the admissibility of a motion and may disallow a motion or a part thereof.

Chairman to decide admissibility of a motion.

152. If the Chairman admits notice of such a motion it shall be immediately notified in the Council Bulletin with the heading "No-Day-Yet-Named Motions".

Circulation of No-Day-Yet-Named Motions.

153. The Chairman may after considering the state of business in the Council and in consultation with the Leader of the Council allot a day, or days or part of a day for the discussion of any such motion.

Allotment of time and discussion of motions.

154. The Chairman shall at the appointed hour on the allotted day, or as the case may be, the last of the allotted days forthwith put every question necessary to determine the decision of the Council on the original question.

Chairman to put question at the appointed time.

155. The Chairman may, if he thinks fit, prescribe a time limit for speeches.

Time limit for speeches.

#### MOTION FOR PAPERS

156. (i) Any Member desirous of raising discussion on a matter of urgent public importance may give notice of a motion "for papers" and specify clearly and precisely the matter to be raised.

Motion for Papers.

(ii) If the Chairman is satisfied after calling for such information from the member who has given notice and from the Minister as he may consider necessary that the matter is urgent and of sufficient importance to be raised in the Council at an early date he may admit the motion and fix the date on which such motion may be taken up and allot such time for its discussion not exceeding three hours as he may consider appropriate in the circumstances:

Provided that, if an early opportunity is otherwise available for the discussion of the proposed matter the Chairman may refuse to admit the motion.

(iii) If, at the end of such a discussion the motion is not by leave of the House withdrawn or the Minister states that there are no papers to be laid on the table or if the

papers are available they cannot be laid on the table on the ground that it will be detrimental in the public interest to do so, it will be open to any member to move an amendment, recording the opinion of the Council on the matter, in such form as may be considered appropriate by the Chairman.

(iv) An amendment, if moved, will be put to the Council without discussion unless the Chairman in his discretion thinks fit to allot further time for the elucidation of any matters arising out of the amendment.

(v) In other respects rules governing the admission and discussion of a motion "for papers" shall be the same as for motions with such modifications as the Chairman may consider necessary or convenient.

## CHAPTER XI

### PROCEDURE IN FINANCIAL MATTERS

**The Budget.** 157. There shall be no discussion on the Annual Financial Statement or the Statement of the estimated Receipts and Expenditure of the Government of India (hereinafter referred to as "the Budget") on the day on which it is presented to the Council.

**General discussion on the Budget.** 158. (1) On a day to be appointed by the Chairman subsequent to the day on which the Budget is presented and for such time as the Chairman may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the Council.

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Chairman may, if he thinks fit, prescribe a time limit for speeches.

**Presentation of the Budget in Parts.** 159. Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to the Council in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with these rules as if it were the Budget.

**Business that can be taken up on a day allotted for any kind of financial business.** 160. Notwithstanding that a day has been allotted for financial business a motion or motions for leave to introduce a Bill or Bills may be made and a Bill or Bills may be introduced on such day before the Council enters on the business for which the day has been allotted.

*Explanation.*—Financial business includes any business which the Chairman holds as coming within this category under the Constitution.

161. (1) If notice of motion for leave to introduce a Bill making provision for any of the matters specified in clause (1) of Article 117 of the Constitution is received the Chairman may direct that it should not be included in the list of business.

Provision  
as regards  
Financial  
Bills  
referred to  
in Article  
117(1) of the  
Constitution.

(2) On a Bill being put down for introduction a Member may at that stage or at any subsequent stage take objection that the Bill is a financial Bill within the meaning of Article 117(1) of the Constitution and should not be introduced in the Council.

(3) If the Chairman holds that the Bill is a financial Bill within the meaning of Article 117(1) of the Constitution, he shall terminate discussion on the Bill forthwith and direct that it be struck off from the list of business and be removed from the register of Bills pending in the Council.

(4) If the Chairman has any doubt in regard to the validity of the objection, he shall refer the matter to the Speaker and if there is no agreement between the Speaker and the Chairman, the Chairman shall report the matter to the Council and take the sense of the Council as to whether they wish to proceed further with the Bill.

162. (1) A money Bill passed by the House and trans- Money Bills.  
mitted to the Council shall, as soon as may be, be laid on the Table.

(2) The Chairman in consultation with the Leader of the Council shall within two days of the Bill being so laid on the Table allot a day or days or part of a day for the completion of all or any of the stages involved in the consideration of, or passing of amendment, if any, to the Bill, by the Council.

(3) When such an allotment has been made, the Chairman shall at the appointed hour on the allotted day or the last of the allotted days, as the case may be, forthwith put all the questions necessary to dispose of the outstanding matters in connection with the stage or stages for which a day or days or part of a day has been allotted.

(4) After the motion that the Bill be taken into consideration has been carried, the Bill shall be taken up clause by clause and amendments to the Bills may be moved at this stage.

(5) After all the amendments are disposed of, the Bill shall be returned to the House with a message intimating the amendments recommended by the Council.

(6) On a Bill being introduced in the Council or at any subsequent stage, if an objection is taken that a Bill is a money Bill within the meaning of Article 110 and should not be proceeded with in the Council, the Chairman shall if he holds the objection valid direct that further proceedings in connection with the Bill be terminated.

(7) If the Chairman has any doubt in regard to the validity of the objection, he shall refer the matter to the Speaker whose decision on the question shall be final in accordance with Article 110(3) of the Constitution.

## CHAPTER XII

### QUESTIONS OF PRIVILEGE

**Question of privilege.**

163. Subject to the provisions of these rules, a member may, with the consent of the Chairman, raise a question involving a breach of privilege either of a member, or of the Council or of a Committee thereof.

**Notice of question of privilege.**

164. A member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised.

**Conditions of admissibility of question of privilege.**

165. The right to raise a question of privilege shall be governed by the following conditions:—

- (i) not more than one question shall be raised at the same sitting;
- (ii) the question shall be restricted to a specific matter of recent occurrence.

**Mode of raising a question of privilege.**

166. The Chairman, if he gives consent under rule 163 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege make a short statement relevant thereto:

Provided that where the Chairman has refused his consent under rule 163 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:

Provided further that the Chairman may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions.

**Reference to Committee of Privileges.**

167. (1) If leave under rule 166 is granted, the question shall be referred to a Committee of Privileges on a motion made by the Leader of the Council or any other member to whom he may delegate his function under this sub-rule.

(2) If objection to leave being granted is taken, the Chairman shall request those members who are in favour



of leave being granted to rise in their places and if not less than twenty-five members rise accordingly, the Chairman shall intimate that leave is granted. If less than twenty-five members rise, the Chairman shall inform the member that he has not the leave of the Council.

168. (1) At the commencement of the Council or from time to time as the case may be, the Chairman shall nominate a Committee of Privileges consisting of not more than ten members. Constitution of Committee of Privileges.

(2) The Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated.

169. (1) The Chairman of the Committee shall be appointed by the Chairman from amongst the members of the Committee. Chairman of Committee of Privileges.

(2) If the Chairman of the Committee is for any reason unable to act, the Chairman may similarly appoint another Chairman of the Committee in his place.

(3) If the Chairman of the Committee is absent from any meeting, the Committee shall choose another member to act as Chairman of the Committee for that meeting.

170. The quorum of the Committee shall be five. Quorum of Committee.

171. (1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit. Examination of the question by Committee.

(2) Subject to the provisions of sub-rule (1) of this rule, the report may also state the procedure to be followed by the Council in giving effect to the recommendations made by the Committee.

172. (1) The Committee of Privileges shall have power to require the attendance of persons or the production of papers or records, if such a course is considered necessary for the discharge of its duties. Evidence before Committee of Privileges.

Provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Chairman, whose decisions shall be final:

Provided further that Government may decline to produce a document on the ground that its disclosure would be prejudicial to the safety or interest of the State.

(2) Subject to the provisions of this rule, a witness may be summoned by an order signed by the Chairman of the Committee and shall produce such documents as are required for the use of the Committee.

(3) It shall be in the discretion of the Committee to treat any evidence tendered before it as secret or confidential.

Sittings of  
Committee  
of Privileges.

173. (1) As soon as may be after a question of privileges has been referred to the Committee of Privileges, the Committee shall meet from time to time and shall make a report within the time fixed by the Council:

Provided that where the Council has not fixed any time for the presentation of the report, the report shall be presented within one month or the date on which reference to the Committee was made:

Provided further that the Council may at any time, on a motion being made, direct that the time for the presentation of the report by the Committee be extended to a date specified in the motion.

(2) Reports may be either preliminary or final.

(3) The report will be signed by the Chairman on behalf of the Committee.

Presentation  
of report.

174. The report of the Committee of Privileges shall be presented to the Council by the Chairman of the Committee or in his absence by any member of the Committee.

Consideration  
of  
report.

175. As soon as may be, after the report has been presented, a motion in the name of the Chairman of the Committee or any member of the Committee will be put down that the report be taken into consideration.

Amendment

176. Any member may give notice of amendment to the motion for consideration of the report referred to in rule 175 above in such form as may be considered appropriate by the Chairman:

Provided that an amendment may be moved that the question be re-committed to the Committee either without limitation or with reference to any particular matter.

Regulation  
of procedure

177. The Chairman may issue such directions as he may consider necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee or in the Council.

Power of  
Chairman  
to refer  
questions of  
privilege to  
Committee.

178. Notwithstanding anything contained in these rules, the Chairman may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

## CHAPTER XIII

RESIGNATION AND VACATION OF SEATS IN COUNCIL AND LEAVE  
OF ABSENCE FROM MEETINGS OF COUNCIL

179. (1) As soon as may be, the Chairman shall, after he has received an intimation in writing from a member under his hand resigning his seat in the Council, inform the Council that such and such a member has resigned his seat in the Council: Resignation  
of seats in  
Council.

Provided that when the Council is not in session, the Chairman shall inform the Council immediately after the Council re-assembles, that such and such a member has resigned his seat in the Council during the inter-session period.

(2) The Secretary shall, as soon as may be, after the Chairman has received such intimation from a member resigning his seat in the Council, cause the information to be published in the *Gazette of India* and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

180. (1) A member wishing to obtain permission of the Council for remaining absent from meetings thereof under clause (4) of Article 101 of the Constitution shall make an application in writing to the Chairman, stating the period for which he may be permitted to be absent from the meeting of the Council. Permission  
to remain  
absent from  
meetings of  
Council.

(2) After the receipt of an application under sub-rule (1) of this rule the Chairman shall, as soon as may be, read out the application to the Council and ask: "Is it the pleasure of the Council that permission be granted to such and such a member for remaining absent from all meetings of the Council for such and such a period." If no one dissents, the Chairman shall say: "Permission to remain absent is granted." But if any dissentient voice is heard, the Chairman shall take the sense of the Council and thereupon declare the determination of the Council.

(3) No discussion shall take place on any question before the Council under this rule.

(4) The Secretary shall, as soon as may be, after a decision has been signified by the Council, communicate it to the member.

181. (1) The seat of a member shall be declared vacant, under clause (4) of Article 101, on a motion by the Leader of the Council or by such other member to whom he may delegate his functions in this behalf. Vacation of  
seats in  
Council.

(2) If the motion referred to in sub-rule (1) of this rule is carried, the Secretary shall cause the information to be published in the *Gazette of India* and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.

## CHAPTER XIV

## AMENDMENT OF RULES

**Rules Committee.** 182. Subject to the provisions of these rules a Committee on Rules shall be constituted to consider matters of procedure and conduct of business in the Council and to recommend to the Chairman any amendments or additions to these rules that may be deemed necessary.

**Composition of Rules Committee.** 183. (1) The Committee on Rules shall be nominated by the Chairman of the Council and shall consist of fifteen members including the Chairman of the Committee. The Chairman of the Council shall be the *ex-officio* Chairman of the Committee.

(2) A Committee nominated under sub-rule (1) shall hold office until a new Committee is nominated. Casual vacancies in the Committee shall be filled by the Chairman as soon as possible after they occur.

(3) If the Chairman of the Council is for any reason unable to act as Chairman of the Committee he may appoint another Chairman of the Committee in his place.

(4) If the Chairman of the Committee is absent from any meeting the Committee shall choose another member to act as Chairman of the Committee for that meeting.

**Quorum.** 184. (1) In order to constitute a meeting of the Committee the quorum shall be five.

(2) The Chairman of the Committee shall not vote in the first instance but in the case of an equality of votes on any matter he shall have, and exercise, a casting vote.

## CHAPTER XV

## COMMUNICATIONS BETWEEN THE PRESIDENT AND THE COUNCIL

**Communications from the President to the Council.** 185. Communications from the President to the Council shall be made to the Chairman by written message signed by the President or, if the President is absent from the place of meeting of the Council his message shall be conveyed to the Chairman through a Minister.

**Communications from the Council to the President.** 186. Communications from the Council to the President shall be made—

(1) by formal address, after motion made and carried in the Council, and

(2) through the Chairman.

## CHAPTER XVI

## GENERAL RULES OF PROCEDURE

## Notices

**Notices by Members.** 187. (1) Every notice required by the rules shall be given in writing addressed to the Secretary, and signed by the member giving notice, and shall be left at the

Council Notice Office which shall be open for this purpose between the hours to be notified from time to time on every day except Sunday or a public holiday.

(2) Notices left when the office is closed shall be treated as given on the next open day.

188. (1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is, by these rules required to be made available for the use of members. Circulation of notices and papers to Members.

(2) A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the Chairman may, from to time, direct.

189. On the prorogation of a session, all pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next Session: Lapse of pending notices on prorogation of a Session.

Provided that fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction or recommendation has been granted under the Constitution, if the sanction or recommendation as the case may be has ceased to be operative.

190. If in the opinion of the Chairman, any notice contains words, phrases or expressions which are argumentative, unparliamentary, ironical, irrelevant, verbose, or otherwise inappropriate, he may in his discretion amend such notice before it is circulated. Power of Chairman to amend a notice.

### *Motions*

191. A motion must not raise a question substantially identical with one on which the Council has given a decision in the same Session. Repetition of motion.

192. (1) A member who has made a motion may withdraw the same by leave of the Council. Withdrawal of motion.

(2) The leave shall be signified not upon question but by the Chairman taking the pleasure of the Council. The Chairman shall ask: "Is it your pleasure that the motion be withdrawn?" If no one dissents, the Chairman shall say: "The motion is by leave withdrawn." But if any dissentient voice be heard or a member rises to continue the debate, the Chairman shall forthwith put the motion:

Provided that if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of.

193. If the Chairman is of opinion that a motion for the adjournment of a debate is an abuse of the rules of the Council, he may either forthwith put the question thereon from the Chair or decline to propose the question. Dilatory Motion.

*Amendments*

**Scope of amendments.** 194. (1) An amendment shall be relevant to, and within the scope of, the motion to which it is proposed.

(2) An amendment shall not be moved which has merely the effect of a negative vote.

(3) An amendment on a question shall not be inconsistent with a previous decision on the same question.

**Selection of amendments.** 195. (1) The Chairman may refuse to put an amendment which is in his opinion frivolous.

(2) In respect of any motion, the Chairman shall have power to select the amendments to be proposed, and may, if he thinks fit, call upon any member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him to form a judgment upon it.

*Terms of the communication for conveying recommendation or previous sanction of the President*

**Recommendation or previous sanction. How communicated.** 196. Every recommendation or previous sanction by the President shall be communicated by a Minister in the following terms:—

“The President having been informed of the subject matter of the proposed Bill, Motion, Resolution or amendment accords his previous sanction to the introduction of the Bill or the moving of the amendment or recommends the introduction of the Bill or the moving of the Motion, Resolution or amendment in the Council or recommends to the Council the consideration of the Bill.”

and it shall be printed in the proceedings of the Council in such manner as the Chairman may direct.

*Rules to be observed by Members*

**Rules to be observed by members while present in the Council.**

197. Whilst the Council is sitting, a member—

- (1) shall not read any book, newspaper or letter except in connection with the business of the Council;
- (2) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;
- (3) shall bow to the Chair while entering or leaving the Council, and also when taking or leaving his seat;
- (4) shall not pass between the Chair and any member who is speaking;
- (5) shall not leave the Council when the Chairman is addressing the Council;
- (6) shall always address the Chair;
- (7) shall keep to his usual seat while addressing the Council;
- (8) shall maintain silence when not speaking in the Council;
- (9) shall not obstruct proceedings, hiss or interrupt and avoid making running commentaries when speeches are being made in the Council.

198. When a member rises to speak, his name shall be called by the Chairman. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak. Member to speak when called by Chairman.

199. A member desiring to make any observations on any matter before the Council shall speak from his place, shall rise when he speaks and shall address the Chairman; Mode of addressing the Council.

Provided that a member disabled by sickness or infirmity may be permitted to speak sitting.

200. A member while speaking shall not—

- (i) refer to any matter of fact on which a judicial decision is pending;
- (ii) make a personal charge against a member;
- (iii) use offensive expressions about the conduct or proceedings of the Houses or any State Legislature;
- (iv) reflect on any determination of the Council except on a motion for rescinding it;
- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;

Rules to be observed while speaking.

*Explanation.*—The words “persons in high authority” mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Chairman, should be discussed on a substantive motion drawn in terms to be approved by him.

- (vi) use the President's name for the purpose of influencing the debate;
- (vii) utter treasonable, seditious or defamatory words;
- (viii) use his right of speech for the purpose of obstructing the business of the Council.

201. When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Council, he shall ask the question through the Chairman. Questions to be asked through the Chairman.

202. The Chairman, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech. Irrelevance or repetition.

203. A member may, with the permission of the Chairman, make a personal explanation although there is no question before the Council, but in this case no debatable matter may be brought forward, and no debate shall arise. Personal explanation.

*Orders of speeches and right of reply*

Orders of  
speeches  
and right of  
reply.

204. (1) After the member who moves has spoken other members may speak to the motion in such order as the Chairman may call upon them. If any member who is so called upon does not speak, he shall not be entitled except by the permission of the Chairman, to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by these rules, no member shall speak more than once to any motion, except with the permission of the Chairman.

(3) A member who has moved a motion may speak again by way of reply, and if the motion is moved by a private member, the Minister concerned may, with the permission of the Chairman, speak (whether he has previously spoken in the debate or not) after the mover has replied:

Provided that nothing in this sub-rule shall be deemed to give any right of reply to the mover of an amendment to a Bill or a resolution, save with the permission of the Chairman.

*Procedure when Chairman rises*

Procedure  
when Chair-  
man rises.

205. (1) Whenever the Chairman rises he shall be heard in silence and any member who is then speaking or offering to speak shall immediately sit down.

(2) No member shall leave his seat while the Chairman is addressing the Council.

*Closure*

Closure.

206. (1) At any time after a motion has been made, any member may move, "That the question be now put", and, unless it appears to the Chairman that the motion is an abuse of these rules or an infringement of the right of reasonable debate, the Chairman shall then put the motion: "That the question be now put".

(2) Where the motion: "That the question be now put" has been carried, the question or questions consequent thereon shall be put forthwith without further debate:

Provided that the Chairman may allow any member any right of reply which he may have under these rules.

Limitation  
of Debate.

207. (1) Whenever the debate on any motion in connection with a Bill or on any other motion becomes unduly protracted, the Chairman may, after taking the sense of the Council, fix the hour at which the debate shall conclude.

(2) The Chairman shall at such appointed hour, unless the debate be sooner concluded, proceed forthwith to put all such questions as may be necessary to determine the decision of the Council on the original question.



*Question for decision*

208. A matter requiring the decision of the Council shall be decided by means of a question put by the Chairman on a motion made by a member.

Procedure for obtaining decision of the Council.

209. When a motion has been made, the Chairman shall propose the question for the consideration, and put it for the decision, of the Council. If a motion embodies two or more separate propositions, those propositions may be proposed by the Chairman as separate questions.

Proposal and putting of question.

210. A member shall not speak on a question after the Chairman has collected the voices both of the Ayes and of the Noes on that question.

No speech after voices collected.

*Papers quoted to be laid on the Table*

211. If a Minister quotes in the Council a despatch or other State Paper which has not been presented to the Council, he shall lay the relevant paper on the Table:

Papers quoted to be laid on the Table.

Provided that this rule shall not apply to any documents which are stated by the Minister to be of such a nature that their production would be inconsistent with public interest:

Provided further that where a Minister gives in his own words a summary or gist of such despatch or State Paper it shall not be necessary to lay the relevant papers on the Table.

212. All papers and documents laid on the Table of the Council shall be considered public.

Papers laid on the Table to be public.

*Statement by a Minister*

213. A statement may be made by a Minister on a matter of public importance with the consent of the Chairman but no question shall be asked at the time the statement is made.

Statement by a Minister.

*Division*

214. (1) On the conclusion of a debate, the Chairman shall put the question and invite those who are in favour of the motion to say "Aye" and those against the motion to say "No".

Division.

(2) The Chairman shall then say: "I think the Ayes (or the Noes, as the case may be) have it". If the opinion of the Chairman as to the decision of a question is not challenged, he shall say twice: "The Ayes (or the Noes, as the case may be) have it" and the question before the Council shall be determined accordingly.

(3) If the opinion of the Chairman as to the decision of a question is challenged, he may, if he thinks fit, ask the

members who are for "Aye" and those for "No" respectively to rise in their places and, on a count being taken, he may declare the determination of the Council. In such a case, the names of the voters shall not be recorded.

(4) (a) If the opinion of the Chairman as to the decision of a question is challenged and he does not adopt the course provided for in sub-rule (3) above, he shall order a "Division" to be held.

(b) After the lapse of two minutes, he shall put the question a second time and declare whether in his opinion the "Ayes" or the "Noes" have it.

(c) If the opinion so declared is again challenged, he shall direct the "Ayes" to go into the Right Lobby and the "Noes" into the Left Lobby. In the "Ayes" or "Noes" Lobby, as the case may be, each member shall call out his Division Number and the Division Clerk, while marking off his number on the Division List, shall simultaneously call out the name of the member.

(d) After voting in the Lobbies is completed, the Division Clerks shall hand over the Division Lists to the Secretary, who shall count the votes and present the totals of "Ayes" and "Noes" to the Chairman.

(e) The result of a division shall be announced by the Chairman and shall not be challenged.

(f) A member who is unable to go to the Division Lobby owing to sickness or infirmity may, with the permission of the Chairman, have his vote recorded either at his seat or in the Members' Lobby.

(g) If a member finds that he has voted by mistake in the wrong Lobby, he may be allowed to correct his mistake provided he brings it to the notice of the Chairman before the result of the division is announced.

(h) When the Division Clerks have brought the Division Lists to the Secretary's table, a member who has not up to that time recorded his vote but who then wishes to have his vote recorded may do so with the permission of the Chairman.

#### *Withdrawal and Suspension of Members*

**Withdrawal  
of a member**

215. The Chairman may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting.

**Suspension  
of a mem-  
ber.**

216. (1) The Chairman may, if he deems it necessary, name a member who disregards the authority of the Chair or abuses the rules of the Council by persistently and wilfully obstructing the business thereof.

(2) If a member is so named by the Chairman, he shall forthwith put the question that the member (naming him) be suspended from the service of the Council during the remainder of the session:

Provided that the Council may, at any time, on a motion being made, resolve that such suspension be terminated.

(3) A member suspended under this rule shall forthwith quit the precincts of the Council.

#### *Suspension of sitting*

217. In the case of grave disorder arising in the Council, the Chairman may, if he thinks it necessary to do so, adjourn the Council or suspend any sitting for a time to be named by him.

Power of Chairman to adjourn Council or suspend sitting.

#### *Points of Order*

218. (1) Any member may at any time submit a point of order for the decision of the Chairman, but, in doing so, shall confine himself to stating the point.

Points of order and decisions thereon.

(2) The Chairman shall decide all points of order which may arise, and his decision shall be final.

#### *Maintenance of Order*

219. The Chairman shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions.

Chairman to preserve order and enforce decisions.

#### *Report of Proceedings*

220. The Secretary shall cause to be prepared a full report of the proceedings of the Council at each of its meetings, and shall, as soon as practicable, publish it in such form and manner as the Chairman may, from time to time, direct.

Report of proceedings of Council.

221. If the Chairman is of opinion that a word or words has or have been used in debate which is or are defamatory or indecent, or unparliamentary or undignified, he may, in his discretion, order that such word or words be expunged from the proceedings of the Council.

Expunging of words from debates.

222. The portion of the proceedings of the Council so expunged shall be indicated by asterisks and an explanatory footnote shall be inserted in the proceedings as follows:

Indication in printed Debates of expunged proceedings.

“Expunged as ordered by the Chair.”

#### *Admission of Officers of the House*

223. Any officer of the Secretarial staff of the House shall be entitled to admission to the Council Chamber during any sitting of the Council.

Officers of the House entitled to admission to a sitting of the Council.

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*Admission of Strangers*

**Admission of strangers.** 224. The admission of strangers during the sittings of the Council to those portions of the Council which are not reserved for the exclusive use of members shall be regulated in accordance with orders made by the Chairman.

**Withdrawal of strangers.** 225. The Chairman, whenever he thinks fit, may order the withdrawal of strangers from any part of the Council.

*Residuary Powers*

**Residuary powers.** 226. All matters not specifically provided in these rules and all questions relating to the detailed working of these rules shall be regulated in such manner as the Chairman may from time to time direct.

*Suspension of Rules.*

**Suspension of Rules.** 227. Any member may, with the consent of the Chairman move that any rule may be suspended in its application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being.

SCHEDULE

Form of Petition

(See rule 104).

To

THE COUNCIL OF STATES

Whereas a Bill entitled a Bill

*(Here insert title of Bill)*

is now under the consideration of the Council of States the humble petition of

*(Here insert name and designation or description of petitioner or petitioners in concise form e.g., "A.B. and others" or "the inhabitants of....." or "the municipality of....." etc.)*

sheweth

*(Here insert concise statement of case)*

and accordingly your petitioner (or petitioners) pray that

*(Here insert "that the Bill be or be not proceeded with", or "that special provision be made in the Bill to meet the case of your petitioner" or any other appropriate prayer regarding the Bill)*

and your petitioner(s) as in duty bound will ever pray.

| Name of petitioner | Address | Signature or thumb impression |
|--------------------|---------|-------------------------------|
|                    |         |                               |

Countersignature of Member presenting.

By order of the Chairman,  
S. N. MUKERJEE,  
Secretary.

